## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

IITED STATES OF AMERICA	)
Plaintiff,	) 8:07CR97 )
vs.	) ) DETENTION ORDER
RLOS ARMANDO-BARAHONA,	) )
Defendant.	<b>,</b>
A. <u>Order For Detention</u> After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 30, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. to condition or combination of conditions
The Court's findings are based on the evid Services Report, and includes the following X (1) Nature and circumstances of the X (a) The crime: a conspiracy distribute in excess of 500 violation of 21 U.S.C. § years imprisonment and possession with intent methamphetamine (Councarries a minimum sente maximum of forty years firearm by an illegal alie 922(g)(3) carries a maxim — (b) The offense is a crime of — (c) The offense involves a nature (d) The offense involves a lare (2) The weight of the evidence again X (3) The history and characteristics of (a) General Factors:  ———————————————————————————————————	e offense charged: It to distribute and possess with intent to orgams of methamphetamine (Count I) in 846 carries a minimum sentence of ten 1 a maximum of life imprisonment; the 1 to distribute more than 50 grams of 1 to distribute of 1 to distribute imprisonment and a simprisonment; and the possession of a 1 to distribute of 1 to dis
	Defendant.  Order For Detention After waiving a detention hearing pursuant Act on March 30, 2007, the Court orders pursuant to 18 U.S.C. § 3142(e) and (i).  Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the will reasonably assure the safety of a By clear and convincing evidence that will reasonably assure the safety of a By clear and convincing evidence that will reasonably assure the safety of a By clear and circumstances of the Armonic Services Report, and includes the following X (1) Nature and circumstances of the Armonic X (a) The crime: a conspiracy distribute in excess of 500 violation of 21 U.S.C. § years imprisonment and possession with intent methamphetamine (Cour carries a minimum sent maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(3) carries a maximum of forty years firearm by an illegal alie 922(g)(d) carries a maximum of forty years firearm by an illegal alie 922(g)(d) carries a maximum of forty years firearm by an illegal alie 922(g)(d) carries a maximum of forty years firearm by an illegal alie 922(g)(d) carries a maximum of forty years firearm by an illegal a

## **DETENTION ORDER - Page 2** The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: \_\_X\_\_ The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. Χ The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum Χ penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:

- - X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
    - (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

## D. Additional Directives

## **DETENTION ORDER - Page 3**

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 2, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge